



STATE OF UTAH

JON M. HUNTSMAN, JR.
GOVERNOR

OFFICE OF THE GOVERNOR
SALT LAKE CITY, UTAH
84114-2220

GARY R. HERBERT
LIEUTENANT GOVERNOR

February 28, 2006

The Honorable John Valentine
President of the Senate
and
The Honorable Greg Curtis
Speaker of the House

Dear President Valentine and Speaker Curtis:

After careful consideration and study, I have decided to veto S.B. 70, PROCESS FOR APPROVAL OF WASTE DISPOSAL AMENDMENTS. As contemplated under Art. VII, § 8, cl. 1 of the Utah Constitution, I have returned the bill to the Senate with my objections.

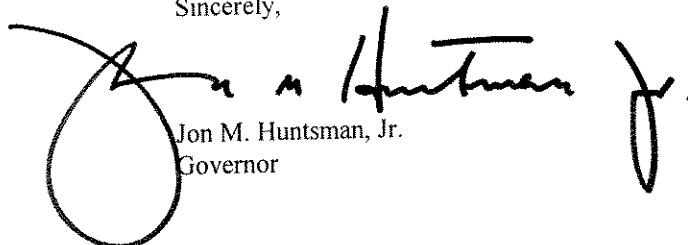
Utah law currently provides that no person may "own, construct, modify, or operate a radioactive waste facility without" first obtaining (1) clearance from local planning authorities, (2) a license from the Department of Environmental Quality, (3) approval from the Legislature, and (4) approval from the Governor. *See* Utah Code Ann. § 19-3-105. Existing law also imposes similar restrictions — including a requirement for legislative and gubernatorial approval — on persons seeking to operate a nonhazardous solid or hazardous waste operation facility. *See* Utah Code Ann. § 19-6-108. By custom and practice, legislative and gubernatorial approval of such facilities has typically been given through concurrent resolutions. *See, e.g.,* S.C.R. 2 (General Session 2005) (approving a nonhazardous solid waste facility).

If signed into law, S.B. 70 would require that legislative approval of such facilities "be provided" not by resolution, but "by statute." S.B. 70 at 3 ln. 78, 7 ln. 181 (General Session 2006). The bill would also provide that gubernatorial approval would either (a) be deemed "provided" if the Governor "d[id] not veto the statute providing legislative approval," or (b) become unnecessary if the Legislature chose to override such a veto with the concurrence of two-thirds of the members of each house. *Id.* at 3 ln. 79-84, 7 ln. 182-87.

By enabling the Legislature to override the Governor's refusal to approve a radioactive, solid nonhazardous, or hazardous waste facility, this bill would incrementally weaken the Governor's authority to protect Utah's image and environment, as well as the health and safety of its 2.5 million residents. I find that unacceptable.

Moreover, I have repeatedly pledged to resist efforts to turn Utah into our nation's radioactive waste dumping ground. Consistent with that pledge, I cannot consent to a provision that, in my opinion, would potentially lead to the proliferation of radioactive waste disposal facilities within our State.

Sincerely,



Jon M. Huntsman, Jr.
Governor